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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/783,549      | 02/20/2004  | Christopher L. Johnson | 21029.29003         | 7422             |

7590 12/13/2005

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/783,549

Applicant(s)

JOHNSON ET AL.

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: drawings

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 9/26/05. These drawings are approved.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nicholls.

Re: claim 1, Nicholls shows a shock absorber, as in the present invention, comprising: a first attachment point at 4b; a contoured flat spring 20 having a first end 20b and a second end 20a wherein said first end 20b is attached to said first attachment point at 4b; a support member 8 having a first end at 4b and a second end at 4a wherein said first end is attached to said spring, as shown, and said second end is attached to a second attachment point 4b; and a flexible first strap 36 having a first end and a second end wherein said first end is connected to said spring first end and said second end is connected to said spring second end. Note that the term "connected" has been interpreted broadly in that strap 36 is connected to the spring 20 in order for the shock absorber to be fully operative.

Re: claim 2, Nicholls shows in column 4, lines 50-55, an alternative embodiment of the shock absorber wherein a second flexible strap is used to connect the spring 20 to the support member 8 should the shock absorber is used on the rear side of the seat 4 instead of the front of the seat 4 as illustrated in figure 1. Note that the term "connected" has been interpreted broadly in that said second flexible strap is connected to the support member and the first attachment point via a number of elements in between in order for the shock absorber to be fully operative.

Re: claim 5, Nicholls shows a bicycle seat shock absorber, as in the present invention, comprising: a shaft 16 for attaching to a bicycle frame; a contoured flat spring 20 having a first end 20a and a second end 20b wherein said first end 20a is attached to said shaft 16; a support member 8 having a first end and a second end wherein said first end is attached to said spring, as shown, and said second end is attached to said bicycle seat 4; and a flexible first strap 36 having a first end and a second end wherein said first end is connected to said spring first end and said second end is connected to said spring second end. Note that the term "connected" has been interpreted broadly in that strap 36 is connected to the spring 20 in order for the shock absorber to be fully operative.

Re: claim 6, Nicholls shows in column 4, lines 50-55, an alternative embodiment of the shock absorber wherein a second flexible strap is used to connect the spring 20 to the support member 8 should the shock absorber is used on the rear side of the seat 4 instead of the front of the seat 4 as illustrated in figure 1. Note that the term "connected" has been interpreted broadly in that said second flexible strap is connected

to the support member and the shaft via a number of elements in between in order for the shock absorber to be fully operative.

### ***Response to Arguments***

4. Applicant's arguments filed 9/26/05 have been fully considered but they are not persuasive. Applicant argues that Nicholls shows a carrying device for a bicycle while the instant invention is a bicycle seat shock absorber. Applicant is correct in that Nicholls shows the device to be used as a carrying device. However, Applicant's claim language does not distinguish the claimed invention from Nicholls' carrying device. The preambles of claims 1 and 5 simply state "A shock absorber comprising" and "A bicycle seat shock absorber comprising", respectively. A person of ordinary skill would have interpreted Nicholls' strap 20 having the padding 28 to be absorbing the shocks and vibrations transmitting between the bicycle and the rider while the bicycle is being shouldered; hence, Nicholls' strap 20 would have met the meaning of the preamble of claim 1. The shock absorber 20 of Nicholls is also located at the bicycle seat and would have met the meaning of the preamble of claim 5. The remainders of claims 1 and 5 specify no distinctions between the claimed invention and Nicholls' device. The Examiner maintains that Nicholls' device as stated above meets all the claimed structural elements in claims 1, 2, 5 and 6. Furthermore, due to the structure of Nicholls' device wherein strap 20 comprises a resilient strip 24 being fixed at both ends, at elements 52 and 36, Nicholls' strap 20 would have the capability of a leaf spring to

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absorb the shocks and vibrations transmitting between the bicycle seat and the post 16.

The rejection is still deemed proper and is repeated above.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on M-F, 8 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen  
Primary Examiner  
Art Unit 3683

*Lan Nguyen* 12/7/05



FIG. 1

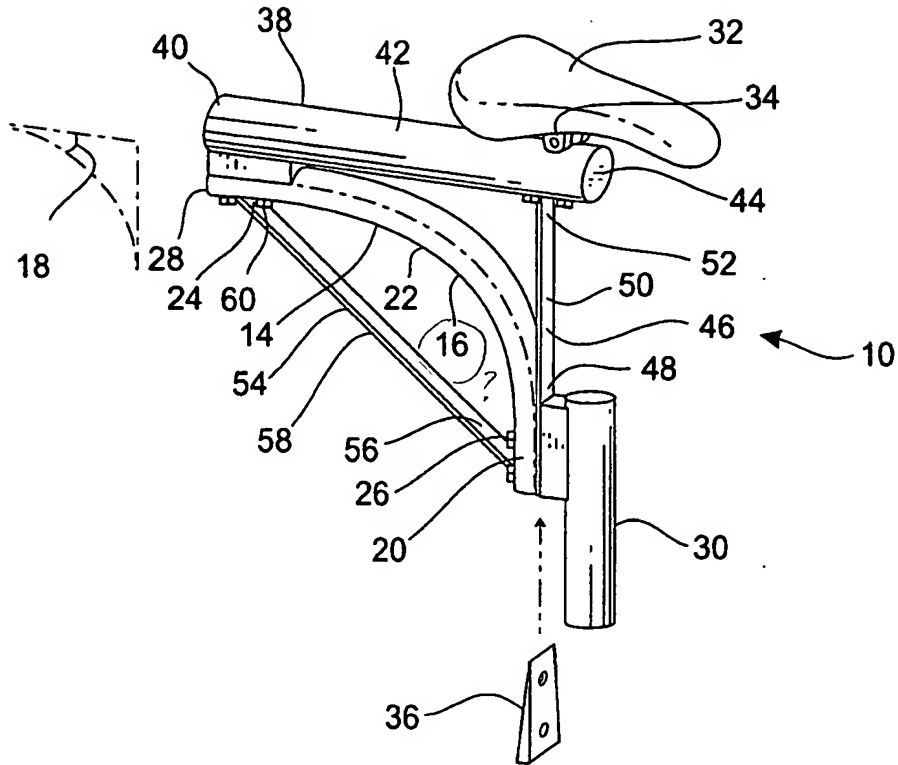
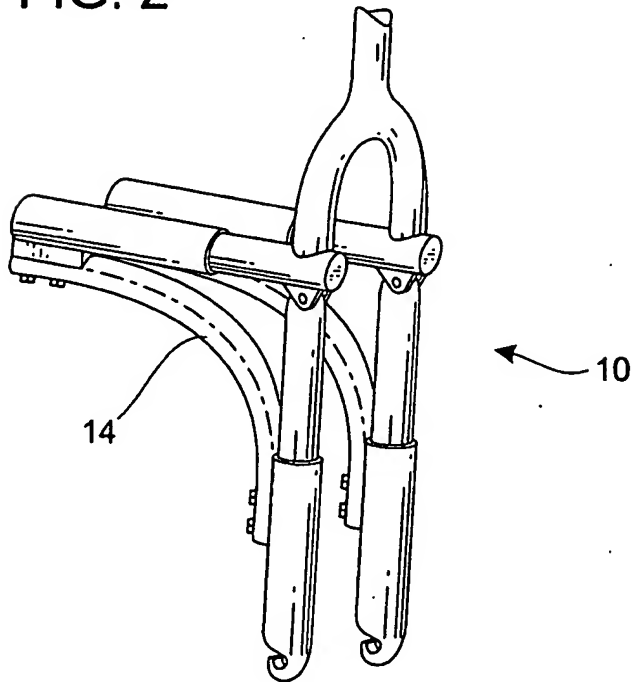


FIG. 2



approved  
XLW  
12/6/05